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Dustin Michael Thompson

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

Plaintiff

vs.

Dustin Michael Thompson

Defendant

CR-09-386-PHX-ROS

**SUPPLEMENTAL SENTENCING
MEMORANDUM**

Excludable delay, pursuant to 18 U.S.C. Sec. 3161(h)(1)(F), will not occur as a result of the Defendant's memorandum.

Attorney for the Defendant, Dustin Michael Thompson, submits the following supplemental memorandum regarding the disposition of other defendants in mortgage fraud cases.

RESPECTFULLY SUBMITTED March 15, 2011

/s/Patrick E. McGillicuddy
Patrick E. McGillicuddy
Attorney for Defendant
Dustin Michael Thompson

MEMORANDUM

Following the filing of his sentencing memorandum, counsel for the Defendant received a spread sheet from Patricia Gitre, Esq., who has defended several mortgage fraud cases in Federal District Court. A spread sheet of all Defendants is attached to this memorandum and counsel will discuss the sentences imposed on other defendants in mortgage fraud cases. Counsel did not have this information available at the time he prepared his sentencing memorandum.

In United States v. Sharpe, CR 07-544, Defendant Sharpe received 88 months. Dkt 398. Defendant Love received 14 months. Dkt 411. Defendant Sellers received 24 months. Dkt 418. Defendant Dozzell received 45 months. Dkt 408. Defendant Bowens received 48 months. Dkt 433. The Indictment did not specify the extent of the total loss, nor did it seek to forfeit a certain amount of cash, but rather real property, without stating the value thereof. Dkt 3, pp.35-39. It appears from a review of the Indictment that numerous properties were obtained by the Defendants through fraud.

Counsel has reviewed the plea agreements for Defendant's Sharpe, Dkt 399, Dozzell, Dkt 409, Love, Dkt 412, Sellers, Dkt 419 and Bowens, Dkt 437. None of these Defendants cooperated with the Government, according to the plea agreements.

In United States v. Crandell CR-08-255, the Government alleged that approximately 12.7 million dollars in loans were obtained pursuant to the scheme alleged in the Indictment. Dkt 3, pp.11-14. The Government sought to forfeit 4 million dollars cash. Dkt 3, p. 14.

In Crandell, Defendant Crandell received 62 months in prison. Dkt 259. Defendant Whitman received 10 months in prison. Dkt 258. Whitman entered into a cooperation plea agreement with the Government. Dkt 146. Defendant Leastman received 1 day in prison with 5 years supervised release. Dkt 268.

1 Defendant Crum received 4 months in prison. Dkt 266. Crum entered into a
2 cooperation agreement with the Government. Dkt 100. The Government dismissed the
3 Indictment against Defendant Holm. Dkt 177. Holm had been released at the
4 beginning of the case. Dkts 36, 45.

5 In Crandell, cooperating Defendants received no more than 10 months in
6 prison. Defendant Leastman received 1 day in prison, and did not appear to have
7 cooperated with the Government.

8 The Defendant in this case cooperated with the Government and has served
9 approximately 9 months in pre-trial detention. Counsel submits that this is a
10 reasonable sentence, and one that is not disparate with other cooperators in other
11 cases, and should be the sentence imposed in this case.

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13 RESPECTFULLY SUBMITTED March 15, 2011

14 /s/ Patrick E. McGillicuddy
15 Attorney for Defendant
Dustin Michael Thompson

16
17 CERTIFICATE OF SERVICE

18 I hereby certify that on March 15, 2011 I electronically transmitted by CM/ECF System for filing:

19 Courtesy copy email to chambers:
20 silver_chambers@azd.uscourts.gov

21 Honorable Roslyn.O. Silver
22 United States Court
23 U.S. District Court Judge
401 West Washington
Phoenix, Arizona 85003

24
25 /s Patrick E. McGillicuddy
26 Attorney for Defendant
Dustin Michael Thompson

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Cash Back Mortgage Fraud Convictions 2008-2011								
DEFENDANT (last name, first name)	CR #	NUMBER OF PROPERTIES	LOSS AMOUNT ¹	ROLE	CRIMINAL HISTORY CATEGORY	5K1.1 DEPARTURE (Yes or No)	Plea Agreement (Yes or No)	SENTENCE
Sharpe, Lutrell	CR-07-00544-PHX-ROS	6	Stipulated \$400,000 to \$1,000,000	Investor/Leader	IV	No	Y	88 months BOP
Bowens, Micah	CR-07-00544-PHX-ROS	12	\$920,910.28	Investor/Leader	III	No	Y	44 months BOP
Sellers, Jennifer	CR-07-00544-PHX-ROS	19	\$1,753,346.49	Real Estate Agent	I	No	Y	24 months BOP
Dozzell, Marcus	CR-07-00544-PHX-ROS	12	\$2,526,385.39	Investor	I	No	Y	44 months BOP
Love, Alonzo	CR-07-00544-PHX-ROS	3	\$354,782.22	Investor	III	No	Y	14 months BOP
Bernadel, Mario	CR-08-00256-PHX-SMM	19	\$9,440,914.00	Investor/Leader	II	No	N (trial)	200 months BOP
Lucero, April	CR-08-00256-PHX-SMM	21	\$7,043,640.00	Loan Officer/Leader	I	Yes	Y	24 months BOP
Adorno, Amanda	CR-08-00256-PHX-SMM	37	Stipulated \$1,000,000 to \$2,500,000	Loan Officer	I	Yes (testified)	Y	5 yrs supervised release
Bartlemus, Christopher	CR-08-00256-PHX-SMM	37	\$8,769,914.00	Escrow Officer	I	Yes (testified)	Y	1 month BOP
Branch, Marcos	CR-08-00256-PHX-SMM	4	\$1,820,000.00	Loan Officer	I	Yes (testified)	Y	5 yrs supervised release
Parrish, Brittany	CR-08-00256-PHX-SMM	4	\$829,500.00	Loan Officer	I	Yes	Y	5 yrs supervised release
Guzman, Fabian	CR-08-00598-PHX-JAT	4	\$997,000.00	Loan Officer	I	Yes	Y	14 months BOP
Olson, Carl	CR-08-00598-PHX-JAT	6	\$3,308,500.00	Accountant	II	Yes	Y	5 yrs supervised release
Benjamin, Andrew	CR-08-00598-PHX-JAT	3	\$794,100.00	Loan Officer	I	Yes	Y	5 yrs supervised release
Pirwitz, Christopher	CR-08-00598-PHX-JAT	3	\$1,244,000.00	Loan Officer	I	Yes	Y	5 yrs supervised release
Valdez, Ana	CR-08-00598-PHX-JAT	2	\$906,500.00	Straw Buyer	I	No	Y	14 months BOP
Crandell, Jeffrey	CR-08-00255-PHX-GMS	12	\$1,648,359.00	Loan Officer/Leader	I	No	Y	64 months BOP
Whitman, Jake	CR-08-00255-PHX-GMS	10	\$2,193,272.00	Loan Officer/Leader	I	Yes	Y	10 months BOP
Leastman, Erin	CR-08-00255-PHX-GMS	19	\$3,292,101.00	Escrow Officer	I	Yes	Y	5 yrs supervised release
Crum, Fred	CR-08-00255-PHX-GMS	3	\$578,843.00	Loan Officer	I	Yes	Y	4 months BOP
Babeti, Gheorghe	CR-08-00612-PHX-NVW	10	\$2,285,722.00	Straw Buyer	I	No	Y	14 months BOP
Azadegan, Brandon	CR-08-00612-PHX-NVW	4	\$1,189,350.00	Investor	III	Yes	Y	18 months BOP
Swallows, Natasha	CR-08-00612-PHX-NVW	6	\$3,670,000.00	Real Estate Agent	I	Yes	Y	2 yrs probation
Dobos, Samuel	CR-08-00612-PHX-NVW	25	\$6,659,540.00	Investor	III	Yes (testified)	Y	27 months BOP
Dobos, Georgiana	CR-08-00612-PHX-NVW	25	\$6,659,540.00	Real Estate Agent	I	Yes	Y	27 months BOP
Zebarth, Catherine	CR-08-00612-PHX-NVW	6	\$1,185,200.00	Loan Officer	I	Yes (testified)	Y	2 yrs supervised release
Mejia, Christina	CR-08-00612-PHX-NVW	6	\$3,485,668.00	Escrow Officer	I	Yes (testified)	Y	2 yrs probation
Irimiciuc, Dorel	CR-08-00612-PHX-NVW	2	\$669,500.00	Straw Buyer	I	Yes (testified)	Y	2 yrs probation
Fife, Roy	CR-08-00744-TUC-CKJ	17	\$3,400,000.00	Realtor	II	Yes	Y	30 months BOP
Nero, Chris	CR-08-00744-TUC-CKJ	17	\$3,600,000.00	Facilitator	III	No	Y	58 months BOP
Rotari, Doru	CR-09-01171-PHX-SRB	3	Stipulated \$200,000 to \$400,000	Investor	II	Yes	Y	18 months BOP

¹ The loss amounts in CR-07-00544-PHX-ROS include losses associated with vehicle purchases. The portions related to vehicle purchases are: Sharpe (\$342,578.61), Bowens (\$123,536.81), Sellers (\$94,688.95), M. Dozzell (\$367,741.97), and Love (\$52,245.58)